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2636 / D.A.C.
PATENTS
108041-0009
ME020

#7/old
Petition
W/D
Abandonment

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 15 2005

OFFICE OF PETITIONS

In Re The Application of:
Valerio Aisa

Serial No.: 10/049,985

Filed: February 20, 2002

For: DEVICE, SYSTEM AND METHOD FOR
MONITORING A HOUSEHOLD ELEC-
TRIC USER, NAMELY A HOUSEHOLD
APPLIANCE

)
)
)
) Examiner: Lieu, J.

)
) Art Unit: 2636
)
)

Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210
July 11, 2005

"Express Mail" Mailing-Label Number: EV433574569US

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37

C.F.R. § 1.181

The applicant respectfully petitions the Director under 37 C.F.R. 1.181 to withdraw the holding of abandonment and reinstate the above-referenced application, which was abandoned because of a failure to respond to an Office Action. The application is a U.S. national application that is based on a PCT application. The transmittal letter that was submitted with the application specifies that all correspondence is to be sent to the undersigned at Cesari and McKenna, 88 Black Falcon Avenue, Boston, MA 02210.

However, an Office Action dated March 4, 2004 was mailed to Cesari and McKenna, 30 Rowes Wharf, Boston, MA 02110, which was the prior mailing address of the law firm. The law firm had moved from the 30 Rowes Wharf address in August of 2000, and mail forwarding provided by the U.S. Post Office had ended well before the mailing date of the Office Action. Accordingly, the Office Action was never received by the firm, and it was only through telephone inquiry that we learned of the abandonment for failure to file a response.

It is our understanding, after speaking with Ms. Diana Oleksa of the Office of PCT Administration, that correspondence is to be sent to the correspondence address listed in the transmittal letter. Accordingly, we request that the holding of abandonment be lifted and the application be reinstated, and that the correspondence address be corrected in the application file.

We also point out that a Preliminary Amendment filed with the patent application was not entered, and thus, not considered before the Office Action was mailed. Accordingly, in a Response to the Office Action included with this Petition, we ask that the Preliminary Amendment be entered. As noted, in the Response, the Examiner objected to, and thus did not treat further on their merits, claims that were in improper form because "a multiple dependent claim cannot be dependent on another multiple dependent claim." This deficiency was taken care of by the Preliminary Amendment, and accordingly the Preliminary Amendment serves to overcome the objection. As further noted in the Response, the reference on which the Examiner primarily relies does not pre-date the priority date of the above-referenced application. Finally, the Examiner found allowable sub-

ject matter in certain claims and we point out in the Response which claims of the Preliminary Amendment correspond to these claims.

In light of the above, we respectfully request that the holding of abandonment be lifted and the application be reinstated. Further, we request that the prosecution of the application be allowed to proceed based on the claims as set forth in the Preliminary Amendment filed with the application. A copy of the Preliminary Amendment, as filed with the application, is again provided as part of the response to the March 4, 2004 Office Action.

Please charge any Petition Fee and any additional fees that may be required by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



Patricia A. Sheehan
Reg. No. 32,301
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500



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Examiner: Lieu, J.

Art Unit: 2636

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EXPRESS-MAIL DEPOSIT

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The following papers are being deposited with the United States Postal Service
"Express Mail Post Office to Addressee" service pursuant to 37 C.F.R. §1.10:

X Petition to Withdraw Holding of
Abandonment

X Response to Office Action

X copy of Preliminary Amendment sub-
mitted 2/20/02